

Notice of Allowability

Application No.

10/586,016

Examiner

ROBERT C. BOYLE

Applicant(s)

WEISS ET AL.

Art Unit

1796

– The **MAILING DATE** of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Remarks filed 9/3/2009.
2. ☒ The allowed claim(s) is/are 1-3 and 5-9.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 12/7/2009.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

/ROBERT C BOYLE/
Examiner, Art Unit 1796

/Vasu Jagannathan/
Supervisory Patent Examiner, Art Unit 1796

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jennifer Seng on December 7, 2009. During the interview, Applicant agreed to examiner's amendment clarifying "reducing conditions" and the steps of the claimed process.

2. The application has been amended as follows:

In claim 1:

In line 2, *replace* "characterized in that" with "comprising the steps of: (a) preparing"

In line 2, *delete* "is first prepared under reducing conditions"

In line 4, between "latex form" and "whereby" *insert* "and a reducing agent selected from the group consisting of hydrogen, complex hydrides, reductive inorganic compounds, organic compounds, alkali metal formates, finely divided non-noble metals and mixtures thereof"

In line 5, *insert* "of" between "range" and "from"

In line 5, *insert* "and (b) hydrogenating" between "6" and "the"

In line 6, *replace* "the colloid-containing latex mixture obtained is then hydrogenated, the metal-containing colloid is then separated from the latex and the polymer latex obtained is then

isolated" with "and hydrogenating the colloid containing latex mixture obtained, and separating the metal containing colloid from the latex, and isolating the polymer latex.

Add claims 7-9:

7. The method as claimed in claim 1, wherein the reducing agent is selected from the group consisting of hydrogen, NaBH₄, hydroxylammonium hydrochloride, hydrazine and hydrazine hydrate, formaldehyde and acetaldehyde, formic acid and sodium formate, zinc powder and mixtures thereof.
8. The method as claimed in claim 1, wherein the reducing agent is selected from the group consisting of hydrogen, sodium borohydride, and hydrazine hydrate and mixtures thereof.
9. The method as claimed in claim 1, wherein the reducing agent is added in the presence of a hydrogen atmosphere.

3. The following is an examiner's statement of reasons for allowance:

4. The present claims are allowable over the 'closest' prior art, namely Takahashi (WO 2003/029307). Takahashi does not teach the use of colloids and Takahashi teaches away from the claimed pH because the claimed pH is used in a comparative example (§ 102-112).

Furthermore, Takahashi teaches the pH should be above 7 (§ 55-56).

5. Because a process of hydrogenating polymers in a metal containing colloid at a pH from 3-6 is not found in the prior art, it is clear that the rejections of record are untenable and thus the present claims are passed to issue.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT C. BOYLE whose telephone number is (571)270-7347. The examiner can normally be reached on Monday-Thursday, 9:00AM-5:00PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571)272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ROBERT C BOYLE/
Examiner, Art Unit 1796

/Vasu Jagannathan/
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